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FILED IN THE
U.S. DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

Jan 20, 2021

SEAN F. McAVOY, CLERK

UNITED STATES DISTRICT COURT

EASTERN DISTRICT OF WASHINGTON

UNITED STATES OF AMERICA,

No. 4:21-MJ-07015-MKD-2

Plaintiff,

ORDER FOLLOWING INITIAL
APPEARANCE ON COMPLAINT
AND SETTING DETENTION AND
PRELIMINARY HEARINGS

vs.

ANDRES GUTIERREZ,

****USMS ACTION REQUIRED****

Defendant.

On Tuesday, January 19, 2021, Defendant made an initial appearance on the Complaint (ECF No. 1). With his consent, Defendant appeared by video from Benton County Jail and was represented by Robin Emmans and assisted by federal court-certified interpreter Natalia Rivera. Assistant United States Attorney Benjamin Seal represented the United States.

Defendant was advised of, and acknowledged Defendant's rights.

A member of the Criminal Justice Act Panel was appointed to represent Defendant.

Under federal law, including Rule 5(f) of the Federal Rules of Criminal

1 Procedure, *Brady v. Maryland*, 373 U.S. 83 (1963), and all applicable decisions
2 interpreting *Brady*, the United States has a continuing obligation to produce all
3 information or evidence known to the United States that is relevant to the guilt or
4 punishment of a defendant, including, but not limited to, exculpatory evidence.

5 Accordingly, the Court Orders the United States to produce to Defendant in
6 a timely manner all information or evidence known to the United States that is
7 either: (1) relevant to Defendant's guilt or punishment; or (2) favorable to
8 Defendant on the issue of guilt or punishment.

9 This Order is entered under Rule 5(f) and does not relieve any party in this
10 matter of any other discovery obligation. The consequences for violating either
11 this Order or the United States' obligations under *Brady* include, but are not
12 limited to, the following: contempt, sanction, referral to a disciplinary authority,
13 adverse jury instruction, exclusion of evidence, and dismissal of charges.

14 A detention hearing was set before **Judge Dimke by video in Yakima,**
15 **Washington, on Friday, January 22, 2021, at 3:00 PM.** Pending the hearing,
16 Defendant shall be detained in the custody of the United States Marshal and
17 produced for the hearing. The United States Probation/Pretrial Services Office
18 shall prepare a supplemental pretrial services report prior to the hearing and shall
19 notify defense counsel prior to interviewing Defendant.

1 A preliminary hearing was set for Tuesday, February 02, 2021, at 3:00 PM,
2 **before Judge Dimke by video in Yakima, Washington.**

3 DATED January 20, 2021

4 *s/Mary K. Dimke*
5 MARY K. DIMKE
6 UNITED STATES MAGISTRATE JUDGE

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ORDER FOLLOWING INITIAL APPEARANCE ON COMPLAINT AND
SETTING DETENTION AND PRELIMINARY HEARINGS - 3